

ASSEMBLY BILL

No. 451

Introduced by Assembly Member Hall

February 15, 2011

An act to add Sections 45266.5 and 88026.25 to the Education Code, relating to school district employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 451, as introduced, Hall. Schools: district employees.

(1) Existing law requires school districts and community college districts adopting the merit system in existing law for classified employees to appoint a personnel commission. Existing law requires the personnel commission to appoint a personnel director of the commission who is responsible to the commission for carrying out all procedures in the administration of the classified personnel in accordance with the requirements of existing law and rules of the commission.

This bill would require the personnel commission, consistent with the commission rules applicable to all classified employees, to determine the compensation for, evaluate, and supervise the personnel director. The bill would require the personnel commission to make an annual performance evaluation of the personnel director, thus imposing a state-mandated local program. The bill would authorize the exclusive representatives of classified employees of the applicable school or community college district and the district administration to participate in the annual performance evaluation of the director of the personnel commission by completing an evaluation or comment form distributed by the commission. The bill would require the personnel commission to review the submitted evaluation and comment forms, if any, and

would require the commission to consider them as part of the overall evaluation process. The bill would require the personnel commission to be responsible for completing the final evaluation.

The bill would grant the personnel commission the authority to impose discipline upon the personnel director if cause has been established in accordance with commission rules applicable to all classified employees. The bill, in order to ensure due process for the personnel director, would grant the personnel director the option of requesting a hearing from an impartial hearing officer regarding disciplinary action imposed on the personnel director. The bill would require the method for selecting the hearing officer to be designated in commission rules and would bind the commission by the findings of the hearing officer. The bill would require actions taken by the personnel commission relating to the employment of the personnel director, as specified, be ratified by the governing board of the applicable school district or community college district, and would make these actions, when ratified, final and binding on the commission.

The bill would require that the procedures authorized by the bill be integrated into the regular personnel commission activities and be conducted within the amount otherwise budgeted for the personnel commission of the district.

To the extent that these provisions would impose additional duties on local officials, the bill would establish a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 45266.5 is added to the Education Code,
- 2 to read:
- 3 45266.5. (a) The personnel commission, consistent with the
- 4 commission rules applicable to all classified employees, shall

1 determine the compensation for, evaluate, and supervise the
2 personnel director appointed pursuant to Section 45264 or
3 contracted for pursuant to Section 45265.

4 (b) (1) The personnel commission shall perform an annual
5 written performance evaluation of the commission's personnel
6 director.

7 (2) The school district administration and the exclusive
8 representatives of classified employees of the district may
9 participate in the personnel commission's annual performance
10 evaluation of the director by completing an evaluation or comment
11 form distributed by the commission. The personnel commission
12 shall review the submitted evaluation and comment forms, if any,
13 and shall consider them as part of the overall evaluation process.
14 The personnel commission shall be responsible for completing the
15 final evaluation.

16 (c) (1) The personnel commission shall have the authority to
17 impose discipline, including dismissal, upon the personnel director
18 if cause has been established in accordance with commission rules
19 applicable to all classified employees. However, the commission
20 may not take a disciplinary action pursuant to this paragraph that
21 is inconsistent with any collective bargaining agreement or contract
22 in effect as of January 1, 2011, and under which the personnel
23 director works.

24 (2) The personnel director, as a member of the classified service,
25 shall have all the rights, benefits, and burdens of a classified
26 employee.

27 (3) In order to ensure due process for the personnel director,
28 the personnel director shall have the option of requesting a hearing
29 from an impartial hearing officer regarding disciplinary action
30 imposed on the personnel director. The method for selecting the
31 hearing officer shall be designated in commission rules and the
32 findings of the hearing officer shall be binding upon the
33 commission.

34 (d) Actions taken by the personnel commission relating to the
35 employment of the personnel director pursuant to this section shall
36 be ratified by the governing board of the applicable school district.
37 When ratified, these actions shall be final and binding on the
38 commission.

39 (e) The procedures authorized by this section shall be integrated
40 into the regular personnel commission activities, and shall be

1 conducted within the amount otherwise budgeted for the personnel
2 commission of the district.

3 SEC. 2. Section 88026.25 is added to the Education Code, to
4 read:

5 88026.25. (a) The personnel commission, consistent with the
6 commission rules applicable to all classified employees, shall
7 determine the compensation for, evaluate, and supervise the
8 personnel director appointed pursuant to Section 88084 or
9 contracted for pursuant to Section 88085.

10 (b) (1) The personnel commission shall perform an annual
11 written performance evaluation of the commission's personnel
12 director.

13 (2) The community college district administration and the
14 exclusive representatives of classified employees of the district
15 may participate in the personnel commission's annual performance
16 evaluation of the director by completing an evaluation or comment
17 form distributed by the commission. The personnel commission
18 shall review the submitted evaluation and comment forms, if any,
19 and shall consider them as part of the overall evaluation process.
20 The personnel commission shall be responsible for completing the
21 final evaluation.

22 (c) (1) The personnel commission shall have the authority to
23 impose discipline, including dismissal, upon the personnel director
24 if cause has been established in accordance with commission rules
25 applicable to all classified employees. However, the commission
26 shall not take a disciplinary action pursuant to this paragraph that
27 is inconsistent with any collective bargaining agreement or contract
28 that is in effect as of January 1, 2011, and under which the
29 personnel director works.

30 (2) The personnel director, as a member of the classified service,
31 shall have all the rights, benefits, and burdens of a classified
32 employee.

33 (3) In order to ensure due process for the personnel director,
34 the personnel director shall have the option of requesting a hearing
35 from an impartial hearing officer regarding disciplinary action
36 imposed on the personnel director. The method for selecting the
37 hearing officer shall be designated in commission rules and the
38 findings of the hearing officer shall be binding upon the
39 commission.

1 (d) Actions taken by the personnel commission relating to the
2 employment of the personnel director pursuant to this section shall
3 be ratified by the governing board of the applicable community
4 college district. When ratified, these actions shall be final and
5 binding on the commission.

6 (e) The procedures authorized by this section shall be integrated
7 into the regular personnel commission activities, and shall be
8 conducted within the amount of time otherwise budgeted for the
9 personnel commission of the district.

10 SEC. 3. If the Commission on State Mandates determines
11 that this act contains costs mandated by the state, reimbursement
12 to local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.